



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

PHONE: (302) 739-9000
FAX: (302) 739-6242

**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT AND
SECRETARY'S ORDER**

Pursuant to 7 Del. C. Chapters 40 & 60

Order No. 2007-S-0039

*PERSONALLY SERVED BY AN
ENVIRONMENTAL OFFICER*

Issued To:

Lencraft, LLC
24915 Godwin School Road
Millsboro, DE 19966

Registered Agent:

The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

Dear Sirs:

This is to notify Lencraft, LLC (Respondent) that the Secretary of the Department of Natural Resources and Environmental Control (Department) has found Respondent in violation of 7 Del. C. Chapters 40 & 60. Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary's Order (Notice and/or Order).

BACKGROUND

Respondent originally received an approved Sediment and Stormwater Plan dated November 9, 2005 (Approved Plan) for Phase I (248 acres) Plantation Lakes Development from the Sussex Conservation District (SCD), the Department's Delegated Agency for implementation of the *Delaware Sediment and Stormwater Regulations* (the Regulations) within its area of jurisdiction. This includes unincorporated Sussex County as well as all incorporated municipalities within Sussex County.

After receiving numerous complaints from an adjacent homeowner regarding significant sediment discharge to his property by Respondent the site was referred to the Department for enforcement and technical review of the plan. The Sediment and Stormwater Program's engineers reviewed the approved plan and met with the Respondent's design engineers and the

Delaware's Good Nature depends on you!

engineers reviewed the approved plan and met with the Respondent's design engineers and the SCD engineers. As a result of the review the developer chose to relocate the pond outfall for Pond 1D. The outfall modification plan was approved in April 2006.

On November 17, 2006, the Department issued a Notice to Comply/Notice of Violation to Respondent identifying seven (7) specific measures to bring the site into compliance with the approved sediment and stormwater plan. On November 21, 2006 and December 1, 2006, the Department conducted a site inspection. Two remaining items from the November 17, 2006 Notice to Comply/Notice of Violation needed to be complied with; (1) removal of sediment from homeowner's wetlands and (2) the stabilization review after December 8, 2006. A site meeting with EPA was held on December 15, 2006, to specifically address the wetland restoration.

On January 8, 2007 and January 23, 2007, the Department conducted a site inspection. There were a number of compliance issues that needed to be addressed, such as the numerous instances of stabilization that will be detailed below. On April 20, 2007, the Department conducted a site inspection. There was a sediment discharge to Betts Pond due to failure to complete corrective action items identified in the Department's January 23, 2007 site inspection report. During the period from the Department's January 23, 2007 site inspection to their April 20, 2007 site inspection, weekly inspections were conducted of the site by the Respondent's Certified Construction Reviewer (CCR). The CCR reports noted deficiencies that needed correction.

On May 18, 2007, the Department conducted a site inspection. The site continued to be out of compliance with the Approved Plan and in violation of their National Pollutant Discharge Elimination System (NPDES) permit.

FINDINGS OF FACT

1. On November 9, 2005 SCD approves Respondent's Sediment and Stormwater Plan.
2. On April 12, 2006 an outfall modification plan was approved by the Sussex Conservation District so as not to discharge sediment onto adjacent private property.
3. On November 14, 2006 SCD referred site to the Department for enforcement and technical review of the plan.
4. On November 17, 2006 the Department issued a Notice to Comply to Respondent identifying seven (7) specific measures to bring the site into compliance with the approved sediment and stormwater plan.
5. On November 21, 2006, the Department conducted a site inspection. It was noted that the site was nearing compliance; however, stabilization of the site was still in progress.

6. On December 1, 2006, the Department conducted a site inspection. It was noted that the site was nearing compliance as per the Notice to Comply requirements, dated November 17, 2006, with two remaining items (1) the removal of sediment from the neighboring adjacent wetlands and (2) the stabilization review after December 8, 2006.
7. On December 15, 2006, the Department conducted a site inspection. The Department concurred with the December 2006 CCR weekly inspection reports prepared by Geo-Technology Associates. It should be noted that over 20 acres needed to be stabilized.
8. On January 8, 2007, the Department conducted a site inspection. It was noted many areas on the site still required proper stabilization; catch basins needed protection; and curb line silt fence needed to be installed.
9. On January 23, 2007, the Department conducted a site inspection. It was noted that a stabilized construction entrance needed to be installed immediately and the area around the Pond 1D outfall structure needed to be stabilized. Many of the corrective action items in the previous Department's inspection report and the weekly CCR inspection reports were not completed (please see inspection reports, attached hereto as Exhibit A).
10. On April 20, 2007, the Department conducted a site inspection. The area around the Pond 1D outfall structure was not stabilized and significant amounts of sediment were flowing into the pond. This resulted in a sediment discharge into Betts Pond. Other corrective action items in the previous Department's inspection reports and the weekly CCR inspection reports were not completed.
11. On May 18, 2007, the Department conducted a site inspection. The site review found the site in much of the same condition as the previous Department site inspections on January 23, 2007 and April 20, 2007. Some items returned to compliance, but many of the issues remained outstanding and impacted sediment loss from the site. This includes unstabilized areas around pond 1D and the site, which continues to threaten sediment discharges to Betts Pond. The Respondent was found to be in violation of their NPDES permit as their CCR reports were not on-site and they were found to be in violation of their approved plan. This was communicated to them verbally and in a Department written inspection report.

STATUTORY, REGULATORY AND PERMIT REQUIREMENTS

1. 7 Del. C. § 6003(a)(2) states:

“No person shall, without first having obtained a permit from the Secretary, undertake any activity: In a way which may cause or contribute to discharge of a pollutant into any surface or ground water; ...”

2. 7 Del. C. § 6010(a) states:

“The Secretary may adopt, amend, modify or repeal rules or regulations, or plans, after public hearing, to effectuate the policy and purposes of this chapter.”

The *Regulations Governing The Control of Water Pollution* have been adopted by the Secretary of the Department of Natural Resources and Environmental Control.

3. Section 6.01(a) of the *Regulations Governing The Control of Water Pollution* states:

“The following regulations delineate the authority and general procedures to be followed in connection with the Department’s administration of the National Pollutant Discharge Elimination System (NPDES) Program and specifically, the processing of any NPDES permits issued by the Secretary authorizing discharges of pollutants into State waters during the periods that the Secretary may be authorized to issue such permits pursuant to Sections 402, 318, and 405 of the Act. During any periods in which the Secretary may not be authorized to issue such permits pursuant to Sections 402, 318, and 405 of the Act, these regulations shall remain in full force and effect with respect to any certificates or permits authorizing discharges of pollutants into State waters issued by the Secretary pursuant to 7 Del. C. Chapter 60.

4. Section 6.01(b) 4 of the *Regulations Governing The Control of Water Pollution* states:

“The NPDES Program requires a permit for the discharge of a “pollutant” or combination of pollutants from any “point source” to “State waters”. The terms “pollutant”, “point source” and “State waters” or “waters of the State” are defined in Section 2. The following are point sources and require NPDES permits for any discharge(s) there from:

4. Storm water discharges associated with industrial activities as set forth in Section 9.”

5. Section 9.1.02.1.A.1 of the *Regulations Governing the Control of Water Pollution* states:

“The following discharges and activities are eligible for NPDES General Industrial Stormwater Permit coverage under this Part.

1. This Part covers all new and existing storm water discharges that are composed in whole or in part of discharges associated with construction activity [as defined by 40 Code of Federal Regulations (CFR), Section 122.26(b)(14)(x), 15; see §9.1.02.0 DEFINITIONS]

c. Appropriate controls and measures are identified in a Sediment and Stormwater Plan covering the discharges from the support activity areas.

5. Section 9.1.02.1.D of the *Regulations Governing The Control of Water Pollution* states:

“To be authorized to discharge stormwater under this Part, a person planning a construction activity must submit, in accordance with the requirements of §9.1.02.3, an NOI form prior to commencement of any construction activities. Unless notified by the Secretary to the contrary, persons who submit such notification and have either obtained approved Sediment and Stormwater Plans or have been deemed exempt in accordance with the *Delaware Sediment and Stormwater Law and Regulations*, are authorized to discharge storm water associated with construction activity under the terms and conditions of this Part.”

6. Section 9.1.02.2.C. of the *Regulations Governing The Control of Water Pollution* states:

“Any person subject to this Subsection shall at all times properly operate and maintain all facilities, systems and practices of pollution control which are installed, or implemented to achieve compliance with the requirements of this Subsection and with the measures of the Sediment and Stormwater Plan.”

7. Section 9.1.02.2.D. of the *Regulations Governing The Control of Water Pollution* states:

“Any person subject to this Subsection shall take all reasonable steps to minimize or prevent any discharge of pollutants in violation of this Subsection.”

8. Section 9.1.02.2.E. of the *Regulations Governing The Control of Water Pollution* states:

“Any person subject to this Subsection shall take all reasonable steps to minimize or prevent any discharge of pollutants in violation of this Subsection.”

9. Section 9.1.02.2.I. of the *Regulations Governing The Control of Water Pollution* states:

“Any person who violates conditions of this Subsection may be subject to penalties in accordance with 7 Del. C. Chapter 60. Violation of this Subsection is also a violation of the Clean Water Act and may be subject to penalties established under that statute.”

10. Section 9.1.02.4.A of the *Regulations Governing The Control of Water Pollution* states:

“The Department has not established specific effluent limitations for storm water discharges associated with construction activity. Therefore, this Part establishes effluent limitations in terms of performance standards established with the Best Available Technology (BAT) for erosion and sediment control and storm water management. Compliance with BAT associated with the *Delaware Sediment and Stormwater Regulations*, and/or Sediment and Stormwater Program standards and specifications, guidance, and policy will constitute compliance with effluent limitations for storm water discharges associated with construction activity.”

11. Section 9.1.02.4.B.2.a & b of the *Regulations Governing The Control of Water Pollution* states:

- a. “weekly maintenance inspections of erosion and sediment controls, and constructed storm water management measures; and
- b. Inspections of erosion and sediment controls and storm water management practices the next business day after a rainfall event that results in runoff.”

12. Section 9.1.02.4.C.1 of the *Regulations Governing The Control of Water Pollution* states:

“During construction, persons subject to this Part must maintain at the site, written reports of all inspections conducted in accordance with item B above, that include: ...”

CONCLUSIONS

Based on the foregoing facts, the Department has determined that Respondent has violated 7 Del. C. Chapters 40 and 60, the *Regulations Governing The Control of Water Pollution*, and permit conditions as follows:

1. Respondent violated their NPDES permit Section 9.1.02.2.C., Section 9.1.02.2.D., and Section 9.1.02.2.E. by not complying with the measures of the approved Sediment and Stormwater Plan on November 17, 2006, specifically that all disturbed areas of the site must be properly stabilized in accordance with Delaware's Erosion and Sediment Control Handbook within 14 calendar days of being disturbed.
2. Respondent violated their NPDES permit Section 9.1.02.2.C., Section 9.1.02.2.D., and Section 9.1.02.2.E by not complying with the Standard detail notes in the Sequence of Construction on the approved Sediment and Stormwater Plan on January 23, 2007, April 20, 2007, and May 18, 2007.
3. Respondent violated their NPDES permit Section 9.1.02.2.C., Section 9.1.02.2.D., and Section 9.1.02.2.E by not complying with the General Phase I Construction Phasing Notes on the approved Sediment and Stormwater Plan, specifically home construction cannot take place until sediment basin stormwater facilities have been constructed and stabilized on January 23, 2007, April 20, 2007, and May 18, 2007.
4. Respondent violated their NPDES permit Section 9.1.02.2.C., Section 9.1.02.2.D., and Section 9.1.02.2.E by not complying with the General E&S Control Notes on the approved Sediment and Stormwater Plan, specifically obtaining approval prior to initiating each following 20 acre increment of disturbance on January 31, 2007, February 6, 2007, February 23, 2007, March 9, 2007, March 19, 2007, April 30, 2007, and May 7, 2007.
5. Respondent violated their NPDES permit Section 9.1.02.2.C., Section 9.1.02.2.D., and Section 9.1.02.2.E by not complying with the General E&S Control Notes on the approved Sediment and Stormwater Plan, specifically providing erosion control matting on all slopes 3:1 or greater, and in all areas of permanent concentrated flow that will erode under normal grass/straw conditions on April 20, 2007.
6. Respondent violated their NPDES permit Section 9.1.02.2.C., Section 9.1.02.2.D., and Section 9.1.02.2.E by not complying with the Phase I Construction Sequence on the approved Sediment and Stormwater Plan, specifically stabilize pond slopes on January 8, 2007, January 23, 2007, January 31, 2007, February 6, 2007, and April 30, 2007.
7. Respondent violated their NPDES permit Section 9.1.02.4.B.2.a & b by not maintaining at the site all written reports of all inspections on May 18, 2007.

ASSESSMENT OF PENALTY AND ORDER

Pursuant to the provisions of 7 Del. C. § 6005(b)(3), this is written notice to Respondent that on the basis of its findings, the Department is assessing Respondent an administrative penalty of \$37,500.00 for the violations identified in this Notice and Order.

Respondent shall submit a check to the Department in the amount of \$37,500.00 within 30 days from the receipt of this Notice and Order for the aforementioned penalty. The check shall be made payable to the "State of Delaware" and shall be directed to: Robert F. Phillips, Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street, 3rd Floor, Dover, Delaware 19904.

PUBLIC HEARING

This Notice and Order shall become effective and final unless the Department receives from Respondent, no later than 30 days from the receipt of this Notice, a written request for a public hearing on these matters as provided in 7 Del. C. § 6005(b)(3) and (c). In the event Respondent requests a hearing, the Department reserves the right to withdraw this Notice and Order and take additional enforcement actions regarding these and other violations at Respondent's facility, including but not limited to, the imposition of civil penalties and recovery of the Department's costs and attorney's fees. The Department does not otherwise intend to convene a public hearing on these matters, but reserves the right to do so at its discretion.

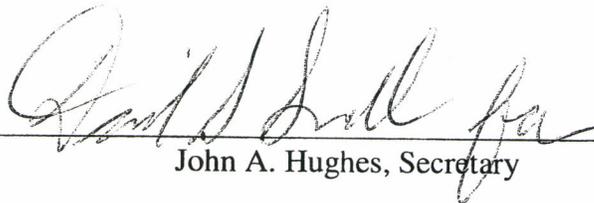
PRE-PAYMENT

Respondent may prepay the administrative penalty of \$37,500.00 and the Department's estimated costs of the investigation in the amount of \$5,625.00, in the manner described in the attached Waiver. By doing so, Respondent waives its right to a hearing and the opportunity to appeal or contest this Notice and Order, which shall become a final Order.

If you have any questions, please contact Jamie H. Rutherford at (302) 739-9921.

9/18/07

Date



John A. Hughes, Secretary

JAH:RFP:jr/jmb:38-22.doc
Attachment - Exhibit A

cc: Robert S. Baldwin, Director
Robert F. Phillips, Deputy Attorney General
Frank Piorko, Program Administrator
Jamie Rutherford, Program Manager
Cheryl Gmuer, Program Manager
Peder Hansen, Program Manager
Jennifer Bothell, Enforcement Coordinator
David McGuigan, EPA Region III Associate Division Director, NPDES Enforcement

WAIVER OF STATUTORY RIGHT TO A HEARING

Lencraft, LLC hereby waives his right to a hearing and his opportunity to appeal or contest this Notice of Administrative Penalty Assessment and Order and agrees to the following:

1. **Lencraft, LLC** will pay the administrative penalty in the amount of \$37,500.00 by sending a check made payable to the "State of Delaware" within thirty (30) days of receipt of this Assessment and Order, along with this signed Waiver. The check shall be directed to:

Robert F. Phillips, Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street, 3rd Floor, Dover, Delaware 19904; and

2. **Lencraft, LLC** will reimburse the Department in the amount of \$5,625.00, which represents the Department's estimated costs of the investigation pursuant to 7 Del. C. §6005(c).

The reimbursement shall be paid within thirty (30) days of receipt of this Assessment and Order.

The check shall be made payable to the "State of Delaware" and be directed to Robert F.

Phillips, Deputy Attorney General, Department of Justice, 102 W. Water Street, 3rd Floor, Dover, Delaware 19904.

Lencraft, LLC

Date: _____

By: _____

Title: _____

EXHIBIT A

Sediment and Stormwater Inspection Report

Date: 23 January 2007

Time Arrived: 9:10 am

Time Left: 11:09 am

Project / Site Name: Plantation Lakes EY 06-008

Location: Godwin School Road and Rt 24, Millsboro

Weather Conditions: Partly Sunny 35 F

Site Status (Active / Inactive / Completed): Active

Date of Last Inspection: 8 January 2007

[N/A] Not Applicable

[S] Satisfactory

[U] Unsatisfactory (include written comments)

- | | | |
|---|----------|--|
| 1. Stabilized Construction Entrance (SCE) | <u>U</u> | Notes 1a-b |
| 2. Earth Berms/Dikes/Swales | <u>S</u> | |
| 3. Inlet Protection | <u>U</u> | Notes 2a-b |
| 4. Vegetative Stabilization | <u>U</u> | Notes 3a-i |
| 5. Stormwater Management Facilities | | (Attach completed pond construction checklist) |
| 6. Silt Fence | <u>U</u> | Notes 4a-b |
| 7. Sediment Traps/Basins | <u>U</u> | |
| 8. Outlet Protection | <u>S</u> | |
| 9. Stone Check Dams | <u>S</u> | |

Items in this report have been prioritized so that the more important items can be addressed right away. The other items listed have been given a longer deadline, deadlines have been noted under each item.

Written Comments: 1.a. The SCE at Godwin School Road is loaded with sediment and tracking is evident on the roadway. **[Corrective Action]** Refresh the SCE with DE #3 stone and clean the roadway.

1.b. There is no SCE at the Rt 24 entrance/exit, Plantation Lakes Boulevard, from the site. **[Corrective Action]** Immediately install a SCE at this exiting point as per the SCE detail on the approved set of plans.

- 2.a. There is no inlet protection installed in the CBs installed in Section J. The area is not considered stabilized because the proposed building lots are disturbed. **[Corrective Action]** Install the Typ-2 inlet protection (silt sack with GD-III fabric) in all the CBs in Section J.
- 2.b. The Typ-1 inlet protections along Rt. 24 all need to be maintained, they appear dilapidated. **[Corrective Action]** The Typ-1 inlet protection along Rt. 24 need to be re-established and checked for proper trenching on each. Deadline of 9 February 2007.
- 3.a. The area around the Pond 1D outfall structure is not stabilized and significant amounts of sediment are flowing into the pond and directly down the swale. **[Corrective Action]** Grade and stabilize this area surrounding Pond 1D outfall. This should be accomplished by 30 March when the ground will permit access.
- 3.b. The area adjacent to Pond 1D, Section K cul-de-sac, is unstabilized and holds water after rain events. This area de-waters into Pond 1D and scouring is occurring where this dewatering occurs and this turbid water enters the pond where the pond is pumped out. The most turbid water in the pond is what's being discharged into the woods. **[Corrective Action]** Groom the scoured area to have geotextile fabric laid down and apply stone to the top. This will act as a temporary control point until surrounding areas at the pond can be graded and stabilized. Deadline of 9 February 2007 to apply the fabric and stone.
- 3.c. There is a low area back by the material stocking area, along the super silt fence. This area is not stabilized. **[Corrective Action]** Stabilize this area by 9 February 2007.
- 3.d. Stockpiles located at Plantation Lakes Blvd and Belmont and at the proposed Pond 1G are not stabilized. **[Corrective Action]** Stabilize the stockpiles. Even if the pile are being worked at one end, the idle portion can be stabilized, this should be done by 9 February 2007.
- 3.e. The proposed building lots in Section J are unstabilized. Sediment is leaving the building lots and flowing into the unprotected CBs. **[Corrective Action]** Stabilize the lots AND install the curblines silt fence as per the detail on the approved set of plans. Return all the sediment in the curblines and roadways back to the building lots by 9 February 2007.
- 3.f. There are disturbed areas along the Godwin School Road shoulder, outside of the silt fence, due to utility work. **[Corrective Action]** Return the shoulder to the correct grade then stabilize the areas that are outside the silt fence along Godwin School Road by 9 February 2007.
- 3.g. The slopes and area around Pond 1E are not stabilized. **[Corrective Action]** Stabilize the area around Pond 1E and the slopes by 1 March 2007.
- 3.h. There is a large gully that has formed in the upstream section of Pond 1D, adjacent to Section J. **[Corrective Action]** Remove the sediment pad that has formed in the pond. Repair the gully and stabilize the gully and all the surrounding areas by 1 March 2007.
- 3.i. There is disturbed soil on the roadway near Hole #8 and the cleared area is not stabilized. **[Corrective Action]** Return the shoulder to correct grade and stabilize the area along the roadway shoulder that have been disturbed and stabilize the cleared area by 9 February 2007.
- 4.a. There is no silt fence at the corners/curbing along Rt. 24. It was noted that sediment was freely flowing from the site at these points. **[Corrective Action]** Install silt fence at the corners along Rt. 24 by 9 February 2007.
- 4.b. There is a section of silt fence that has been removed along Godwin School Road for what seems to be utility work. **[Corrective Action]** Move the disturbed soil back into the site and re-establish the silt fence at this location by 9 February 2007.
5. The fuel tank being used at Pond 1D has no containment berm. **[Corrective Action]** Establish a containment berm around the fuel tank at Pond 1D and around any other fuel tanks being used on the site. This berm should be lined with a plastic barrier and then lined with stone by 9 February 2007.

Walked site with Paul Evans, DNREC. We went to the Lennar trailer and announced ourselves and spoke with Chris Lahr.

CC:

C. Lahr

clahr@lmlc.com

Lennar Homes

R. Tebbens

M.L. Joseph

D. Creighton

dcreighton@mragta.com

GTA

P. Evans

paul.evans@state.de.us

DNREC Sediment & Stormwater
Program

Action to be taken:

Continue Routine Inspections X

Correct Noted Deficiencies X

Completion Date: as noted under each item.

Cheryl L. Gmuer, Environmental Scientist II

Sediment and Stormwater Program Authorized Agent

**Sediment and Stormwater
Certified Construction Reviewer
Inspection Report**

Date: 1/15/07Time Arrived: 9:00amTime Left: 10:30amProject / Site Name: Plantation LakesLocation/Earthwork Contractor: Millsboro, Delaware / M.L. JosephWeather Conditions: Cloudy / Temperature 55° FSite Status (Active / Inactive / Completed): ActiveDate of Last Inspection: 1/09/07

[N/A] Not Applicable

[S] Satisfactory

[U] Unsatisfactory (include written comments)

- | | |
|-------------------------------------|--------------------|
| 1. Stabilized Construction Entrance | <u>S</u> |
| 2. Earth Berms/Dikes/Swales | <u>S</u> |
| 3. Inlet Protection | <u>S</u> |
| 4. Vegetative Stabilization | <u>U</u> |
| 5. Stormwater Management Facilities | <u>U-Localized</u> |
| 6. Silt Fence | <u>U-Localized</u> |
| 7. Sediment Traps/Basins | <u>S</u> |
| 8. Outlet Protection | <u>S</u> |
| 9. Stone Check Dams | <u>S</u> |

Written Comments:

1. The slope embankments around Bridge No. 1 and Pond 1-E need to be reworked again to remove the loose runoff sediment from the embankment slope base and scoured locations on embankments.

2. The slope embankments surrounding pond 1-D and Bridge No. 2 have some locations of scour and site runoff, contractor needs to re-grade and stabilize. Contractor has started working on

swale adjacent to Bridge No. 2 and has filled portions of heavy scour locations.*Contractor also needs to repair the silt fence around the bridge and around pond 1-D.*

3. Several areas of previous seeded and strawed locations need to be re-seeded and strawed.

4. Several localized silt fence areas throughout the site need to be repaired. Also, several locations around the ponds have scoured and undermined silt fences.

5. M.L. Joseph removed sediment flumes in wetlands on adjacent property near outfall structure for pond 1-D on 1/12/07.

6. Inlet protection silt fences in several localized locations need to be repaired.

7. GTA observed over 20 acres that need to be seeded and strawed.

8. Depressed locations throughout site have collected water from recent rains.

Action to be taken:

Continue Routine Inspections	<u> X </u>	
Correct Noted Deficiencies	<u> X </u>	Completion Date <u> 1/22/07 </u>
Submit Plan Modifications	<u> N/A </u>	Completion Date <u> N/A </u>
Other	<u> N/A </u>	

Submitted by GTA: _____ CCR # 00094

Supervising Engineer: _____

CCR Signature

P.E. Signature

Sediment and Stormwater Inspection Report

Date: 8 January 2007

Time Arrived: 1:45 pm

Time Left: 3:13 pm

Project / Site Name: Plantation Lakes EY 06-003

Location: Godwin School Road and Rt 24, Millsboro

Weather Conditions: Overcast and rainy (previous evening rain) 40 F

Site Status (Active / Inactive / Completed): Active

Date of Last Inspection: December 2006

[N/A] Not Applicable

[S] Satisfactory

[U] Unsatisfactory (include written comments)

- | | | |
|---|---------------|--|
| 1. Stabilized Construction Entrance (SCE) | <u>S</u> | |
| 2. Earth Berms/Dikes/Swales | <u>S</u> | |
| 3. Inlet Protection | <u>U</u> | |
| 4. Vegetative Stabilization | <u>U</u> | |
| 5. Stormwater Management Facilities | <u> </u> | (Attach completed pond construction checklist) |
| 6. Silt Fence | <u>U</u> | |
| 7. Sediment Traps/Basins | <u>S</u> | |
| 8. Outlet Protection | <u>S</u> | |
| 9. Stone Check Dams | <u>S</u> | |

Written Comments: 1. As the building area progresses, the base course of asphalt has been done in many areas. The CBs in this area have no protection though the surrounding lots are unstabilized. There was no curblin silt fence in place to control SW runoff from the proposed building lots. **[Corrective Action]** Place the Typ-2 (silt sacks) in all the CBs that have had the paving done. Place curblin silt fence in place while waiting for building lots to become active. 2. There are areas that still require vegetative stabilization and straw cover. **[Corrective Action]** Continue to stabilize open areas. Next site visit will outline the specific areas of concern. 3. The large area adjacent to Pond 1D is holding water from the rain event the previous night. A scoured area is discharging this SW into Pond 1D at the location where the pumps are operating. The worst possible area to pump the water from is where there is the most turbid water. At the

time of this review, only one 4" line was being used. **[Corrective Action]** Regrade the area that is scouring between Pond 1D and the adjacent water-logged area. Properly control the SW entering into Pond 1D by placing fabric and stone to minimize the scouring.

4. Reviewed the SW being pumped into the adjacent woods and this area was completely inundated with creamy-colored water from the pond. **[Concerned Action]** The concern when there is inundation is where is the SW exiting to from the woods. At previous site visits, the woods was not inundated and the sediment present had plenty of area to settle out-not the case during this visit. A follow-up visit will investigate the outflow from this area and any impacts, conducted on 1/22/07. **Follow-up visit revealed that there are no evident signs of impact to the woods and waters in the area. Paul Evans and I walked about 150 yards into the woods until we came to Betts' Pond edge.**

5. Many areas where the silt fence is failing or undermined. **[Corrective Action]** Review the perimeter silt fence and re-establish the silt fence where it has become tattered or undermined, especially along the roadways.

6. Review of the CCR report from 15 January indicates that there are many areas around the ponds and bridges that are in need of stabilization. **[Corrective Action]** Stabilize the areas photographed and indicated in the last CCR report, dated 15 January 2007.

CC:

C. Lahr

clahr@lmlc.com

Lenar Homes

R. Tebbens

M.L. Joseph

D. Creighton

dcreighton@mrakta.com

GTA

P. Evans

paul.evans@state.de.us

DNREC Sediment & Stormwater
Program

Action to be taken:

Continue Routine Inspections X

Correct Noted Deficiencies X

Completion Date: _____

Cheryl L. Gmuer, Environmental Scientist II

Sediment and Stormwater Program Authorized Agent